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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/995,828

**Applicant(s)**

SEO, JIN-GYO

**Examiner**

TAN X. DINH

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-24 and 26-29 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

1) A Request for Continued Examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/25/2006 has been entered.

2) The preliminary amendment filed 8/25/2006 is acknowledged. Claims 2,4,7,13-17 and 25 have been canceled.

3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

4) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims 1,3,5,6 and 8-12 are rejected under 35 U.S.C.102(b) as being anticipated by APPLICANT's PRIOR ART ( Figs.1A,1B,2,3A,3B and 7-9 ).

The APPLICANT's PRIOR ART ( Figs.1A,1B,2,3A,3B and 7-9 ) discloses an adaptive recording method using an optical recording medium as claimed in claims 1 and 12, comprising:

forming a mark using a multiple pulse train comprising a first pulse, a multi-pulse having a peak power level and a last pulse (

Fig.3A, first pulse at beginning of pulse chain, multi-pulse in the middle of pulse chain and last pulse at the end of pulse chain );

adapting a power level of the first pulse relative to the peak power level of the multi-pulse depending on a correlation between the mark and a previous space ( Fig.3A, the changed depending on combination of previous space and current mark );

adapting a power level of the last pulse relative to the peak power level of the multi-pulse depending on a correlation between the mark and a next space ( Fig.3A, the changed depending on combination of current mark and next space );

driving a recording unit with the multiple pulse train having the adapted power levels ( the multiple pulse train is driven by the power control as seen in figures 7-9. See also Korean Patent Abstract Publication, P 1999-002461, English abstract, figures 1 and 3 );

adapting the power level of the multi-pulse depending on the size of the mark ( specification, paragraph [0025] ).

As to claim 3, the APPLICANT's PRIOR ART shows the multiple pulses depending on a density of a NRZI signal which defines the mark and space ( Figures 1A,1B,2,3A,3B and 7-9 and the specification, pages 6-7. See also Korean Patent Abstract publication, P 1999-002461, English abstract and figures 1 and 3 ))).

As to claim 5, the APPLICANT's PRIOR ART shows the power level of first pulse is adapted to be higher or lower than the peak power level of the multi-pulses ( Fig.3A, the first pulse is higher than peak power level of the multi-pulses ).

As to claims 6 and 8, the APPLICANT's PRIOR ART shows adapting the power level of the first pulse depending on the size of the mark ( specification, paragraph [0025] ).

As to claim 9, the APPLICANT's PRIOR ART shows the power level of last pulse is adapted to be higher or lower than the peak power level of the multi-pulse ( Fig.6A, the last pulse of third multipulse is higher than peak power level ).

As to claims 10 and 11, the APPLICANT's PRIOR ART shows adapting the power level of last pulse depending on the size of the mark ( specification, paragraph [0025] and figure 6A ).

6) Claims 18-24 and 26-29 are allowed.

7) Applicant's arguments filed 8/25/2006 have been fully considered but they are not persuasive.

The feature of amended claim 1 is found in the applicant's prior art of figure 6A and paragraph [0025] in the specification. For that reasons, claims 1,3,5,6 and 8-12 are still rejectable as shown above.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN

DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.

The FAX phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)217-9197 (toll-free).



**TAN DINH**  
**PRIMARY EXAMINER**  
October 26, 2006